

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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CINDY LANZBOM,  
on behalf of plaintiff and the class  
defined herein,

Index No.:11-cv-4156(VB)

Plaintiff,

v.

PORFOLIO RECOVERY ASSOCIATES, LLC

Defendant.

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**PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

Plaintiff Cindy Lanzbom respectfully requests that this Court enter an order determining that this Fair Debt Collection Practices Act ("FDCPA") action may proceed as a class action against defendant Portfolio Recovery Associates, LLC ("PRA"). Plaintiff seeks to certify a class, defined as (a) all natural persons with New York addresses (b) which PRA's records show (c) collection material was sent by Malen and Associates, PC to collect a PRA account (d) on or after June 21, 2010, and (e) on or before July 11, 2011. Plaintiff also seeks to obtain injunctive relief against PRA, namely, that it be mandated to publish as required by New York State law and until it has done so, PRA should not be allowed to conduct business within New York.

Plaintiff further requests that The Cohen Law Office, Ryan Karben and the Law Offices of Shimshon Wexler, PC be appointed counsel for the class.

In support of this motion, plaintiff states:

**NATURE OF THE CASE**

1. This case arises out of a collection letter that Malen and Associates, acting

as attorneys for PRA, mailed to plaintiff. Despite being unauthorized to transact business within New York, PRA nevertheless attempted to conduct its business, namely that of buying consumer debt for pennies on the dollar and seeking to collect far more than that. The letter sought to collect a debt incurred for personal, family or household purposes and not for business purposes.

2. Plaintiff alleges that defendant violated 15 U.S.C. §1692e(5) and e(10) because PRA attempted to collect a debt while not being authorized to because it had not published as required by law.

### **CLASS CERTIFICATION REQUIREMENTS**

3. All requirements of Rules 23(a), (b)(2) and (b)(3) of the Federal Rules of Civil Procedure have been met.

4. Plaintiff brings this claim on behalf of a class, consisting of (a) all natural persons with New York addresses (b) who were sent collection material by Malen and Associates on behalf of PRA (c) on or after June 21, 2010, and (d) on or before July 11, 2011.

5. The class is so numerous that joinder of all members is impracticable.

6. A search of the NYC Civil Court website shows that well over 100 individuals have been sued by PRA through their attorneys Malen & Associates.

7. There are questions of law and fact common to the class members, which common questions predominate over any questions that affect only individual class members. The predominant common question is whether conducting the business of collecting consumer debts while unauthorized to do so violates the FDCPA.

8. Plaintiff's claim is typical of the claims of the class members. All are based on the same factual and legal theories.

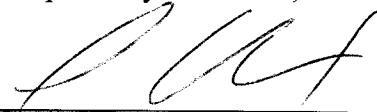
9. Plaintiff will fairly and adequately represent the interests of the class members. Plaintiff has retained counsel experienced in consumer credit and debt collection abuse cases.

10. A class action is superior to other alternative methods of adjudicating this dispute. Individual cases are not economically feasible. Many debtors may not realize that their rights are violated.

11. In further support of this motion, plaintiff submits the accompanying memorandum of law.

WHEREFORE, plaintiff respectfully requests that this Court enter an order determining that this action may proceed as a class action.

Respectfully submitted,



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Shimshon Wexler

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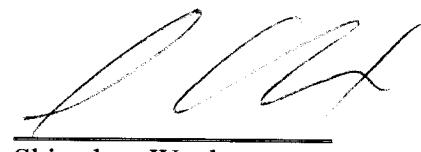
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**CERTIFICATE OF SERVICE**

I, Shimshon Wexler, hereby certify that on 12/15, 2011, I caused to be filed the foregoing document via the CM/ECF System, which allows the parties who have signed up, to receive immediate notification of documents filed electronically.



Shimshon Wexler